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DE RUEHSG #1061 1382124
ZNR UUUUU ZZH
O 182124Z MAY 06
FM AMEMBASSY SANTIAGO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9163
INFO RUEHPE/AMEMBASSY LIMA PRIORITY 4564
RUEHKO/AMEMBASSY TOKYO PRIORITY 0197

UNCLAS SANTIAGO 001061

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STATE FOR WHA/BSC

E.O. 12958: N/A

TAGS: [PREL](#) [PGOV](#) [KJUS](#) [PE](#) [CI](#)

SUBJECT: COURT GRANTS FUJIMORI PROVISIONAL LIBERTY;
FUJIMORI REQUIRED TO REMAIN IN CHILE PENDING COMPLETION OF
EXTRADITION PROCEEDINGS

¶1. The Chilean press reported mid-afternoon on May 18 that Chile's Supreme Court had granted former Peruvian President Alberto Fujimori provisional liberty earlier in the day. In announcing its 4-1 decision, the Court said granting provisional liberty did not constitute a "danger for society or the victims, nor did it interfere with pending judicial matters." The Court's decision prohibits Fujimori from leaving Chile, pending completion of the judicial proceedings related to Peru's extradition request. Bail was paid and Fujimori was released from Chilean police headquarters where he had been detained since November 2005.

¶2. The judge who is overseeing the extradition proceedings denied an earlier appeal by Fujimori's lawyers for provisional liberty, stating that Article 650 of Chile's Penal Code did not extend the right of provisional liberty to a detainee facing extradition charges. According to the press, Fujimori's defense appealed the decision, arguing that the judge's ruling was unconstitutional and that provisional liberty was available to all.

¶3. The Chilean lawyer representing the GOP in its extradition case publicly expressed concerns that Fujimori would flee Chile. Fujimori's lawyers denied their client would flee, asserting Fujimori voluntarily had turned himself in to Chilean judicial authorities last November.

¶4. Government Spokesman Ricardo Lagos Weber publicly said the Chilean government would defer to the courts' decisions.
KELLY